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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,838	07/26/2001	Janani Janakiraman	AUS920010497US1	7170

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EXAMINER	
VAN BRAMER, JOHN W	

ART UNIT	PAPER NUMBER
3622	

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/915,838		JANAKIRAMAN ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	John Van Bramer		3622	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 July 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>72601</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 21 – 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant has disclosed only a system containing various data and data objects, but provides no express, implied or inherent disclosure regarding the structure and function of the system claimed. Therefore, the examiner is unable to determine the type of system, which the applicant considers as his/her invention.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:  
  
Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
4. Claims 21 – 29 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Data and data objects on system, that contains no structure and performs no functions, is considered to be the equivalent data on a disk which is non-functional descriptive material (See MPEP 2106(IV)(B)1(b)). In order to meet the 35 USC 101 requirements the claimed

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invention must produce a “useful, concrete, and tangible result”, and the invention as currently claimed is not capable of meeting these requirements. In order to correct this deficiency the examiner suggests that the applicant amend the claim to distinctly point out the structure of the system and how it interacts with the claimed data objects to produce a useful, concrete and tangible result.

For example, the applicant may be intending to claim a computer program on a computing device causing a computer processor to execute the steps consisting of:

- a. Searching two or more data object repositories...
- b. Selecting two or more data objects...
- c. Producing a composite advertisement...
- d. Displaying a composite advertisement...

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 – 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Kramer et al. (U.S. Patent Number: 6,327,574).

Claim 1. Kramer discloses a method for dynamically generating targeted electronic advertisements comprising the steps of:

- a. Providing two or more data object repositories, said data object repositories containing a plurality of data objects indexed to target audience characteristics. (Fig 3b, Col 6, line 60 to Col 7, line 44; and Col 18, lines 38 – 42)
- b. Selecting two or more data objects from said data object repositories based upon a given set of instant user characteristics. (Fig 3b, Col 6, line 60 to Col 7, line 44; and Col 18, lines 38 – 42)
- c. Producing a composite advertisement object by combining said selected data objects to render a single advertisement data object. (Fig 3b, Col 6, line 60 to Col 7, line 44; and Col 18, lines 38 – 42)
- d. Providing for consumption said composite advertisement object to a to said instant user. (Fig 3b, Col 6, line 60 to Col 7, line 44; and Col 18, lines 38 – 42)

Claim 2. Kramer discloses the method as set forth in claim 1 wherein said step of providing two or more data object repositories comprises providing a human model repository. (A consumer model is a human model)(Col 3, lines 10 – 33; Col 21, lines 20 – 31; and Col 21, lines 51 – 61)

Claim 3. Kramer discloses the method as set forth in claim 2 wherein said step of providing a human model repository is selected from the group consisting of providing a still graphic image repository, providing a video clip repository, and providing an audio clip repository. (Col 6, lines 22 – 46)

Claim 4. Kramer discloses the method as set forth in claim 1 wherein said step of providing two or more data object repositories comprises providing an advertising message repository. (Col 7, lines 16 – 44; and Col 11, lines 55 – 67)

Claim 5. Kramer discloses the method as set forth in claim 4 wherein said step of providing an advertising message repository is selected from the group consisting of providing a still graphic image repository, providing a video clip repository, providing a web page repository, and providing an audio clip repository. (Col 6, lines 22 – 46)

Claim 6. Kramer discloses the method as set forth in claim 1 wherein said step of selecting two or more data objects from said data object repositories based upon a given set of instant user characteristics comprises selecting data objects based upon instant user demographic factors. (Col 14, lines 11 – 34)

Claim 7. Kramer discloses the method as set forth in claim 1 wherein said step of

selecting two or more data objects from said data object repositories based upon a given set of instant user characteristics comprises selecting data objects based upon historical advertising effectiveness trend data. (Col 14, lines 11 – 34)

Claim 8. Kramer discloses the method as set forth in claim 1 wherein said step of producing a composite advertisement object is selected from the group consisting of overlaying one still graphic image data object over another, merging a video clip with an audio clip, and merging a plurality of video clips. (Col 6, lines 22 – 46)

Claim 9. Kramer discloses the method as set forth in claim 1 wherein said step of providing for consumption a composite advertisement object to an instant user is selected from the group consisting of transmitting said composite advertisement object over a computer network, displaying said composite advertisement, and playing said composite advertisement. (Col 8, lines 41 – 54)

Claim 10. Kramer discloses the method as set forth in claim 7 further comprising a step of updating said historical advertising effectiveness trend data according to subsequent instant user selection of options related to said composite advertisement object. (Col 14, lines 35 – 51)

Claim 11. Kramer discloses a computer readable medium encoded with software

for dynamically generating targeted electronic advertisements comprising, said software when executed causing a computer to perform the steps of:

- a. Provide two or more data object repositories, said data object repositories containing a plurality of data objects indexed to target audience characteristics. (Fig 3b, Col 6, line 60 to Col 7, line 44; and Col 18, lines 38 – 42)
- b. Select two or more data objects from said data object repositories based upon a given set of instant user characteristics. (Fig 3b, Col 6, line 60 to Col 7, line 44; and Col 18, lines 38 – 42)
- c. Produce a composite advertisement object by combining said selected data objects to render a single advertisement data object. (Fig 3b, Col 6, line 60 to Col 7, line 44; and Col 18, lines 38 – 42)
- d. Provide for consumption said composite advertisement object to a to said instant user. (Fig 3b, Col 6, line 60 to Col 7, line 44; and Col 18, lines 38 – 42)

Claim 12. Kramer discloses the computer readable medium as set forth in claim 11 wherein said software for providing two or more data object repositories comprises software for providing a human model repository. (A consumer model is a human model)(Col 3, lines 10 – 33; Col 21, lines 20 – 31; and Col 21, lines 51 – 61)

Claim 13. Kramer discloses the computer readable medium as set forth in claim



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12 wherein said software for providing a human model repository is adapted to provide repository objects selected from the group consisting of a graphic image, a video clip, and an audio clip. (Col 6, lines 22 – 46)

Claim 14. Kramer discloses the computer readable medium as set forth in claim 11 wherein said software for providing two or more data object repositories comprises providing an advertising message repository. (Col 7, lines 16 – 44; and Col 11, lines 55 – 67)

Claim 15. Kramer discloses the computer readable medium as set forth in claim 14 wherein said software for providing an advertising message repository is adapted to provide repository objects selected from the group consisting of a still graphic image, a video clip, a web page, and an audio clip. (Col 6, lines 22 – 46)

Claim 16. Kramer discloses the computer readable medium as set forth in claim 11 wherein said software for selecting two or more data objects comprises software for selecting data objects based upon instant user demographic factors. (Col 14, lines 11 – 34)

Claim 17. Kramer discloses the computer readable medium as set forth in claim 11 wherein said software for selecting two or more data objects comprises software for selecting data objects based upon historical advertising

effectiveness trend data. (Col 14, lines 11 – 34)

Claim 18. Kramer discloses the computer readable medium as set forth in claim 11 wherein said software for producing a composite advertisement object is adapted to perform a composite advertisement selected from the group consisting of a still graphic image overlaid on another still graphic image, a video clip merged with an audio clip, and a plurality of video clips merged together. (Col 6, lines 22 – 46)

Claim 19. Kramer discloses the computer readable medium as set forth in claim 11 wherein said software for providing for consumption a composite advertisement object to an instant user is adapted to use a method selected from the group consisting of transmitting said composite advertisement object over a computer network, displaying said composite advertisement, and playing said composite advertisement. (Col 8, lines 41 – 54)

Claim 20. Kramer discloses the computer readable medium as set forth in claim 17 further comprising software for updating said historical advertising effectiveness trend data according to subsequent instant user selection of options related to said composite advertisement object. (Col 14, lines 35 – 51)

Claim 21. Kramer discloses a system for dynamically generating targeted electronic advertisements comprising:

- a. Two or more data object repositories, said data object repositories containing a plurality of data objects indexed to target audience characteristics. (Fig 3b, Col 6, line 60 to Col 7, line 44; and Col 18, lines 38 – 42)
- b. A data object selector for selecting two or more data objects from said data object repositories based upon a given set of instant user characteristics. (Fig 3b, Col 6, line 60 to Col 7, line 44; and Col 18, lines 38 – 42)
- c. A composite advertisement object renderer for combining said selected data objects to render a single advertisement data object. (Fig 3b, Col 6, line 60 to Col 7, line 44; and Col 18, lines 38 – 42)
- d. A rendered composite advertisement object provided for consumption to a to said instant user. (Fig 3b, Col 6, line 60 to Col 7, line 44; and Col 18, lines 38 – 42)

Claim 22. Kramer discloses the system as set forth in claim 21 wherein said data object repositories comprise a human model repository. (A consumer model is a human model)(Col 3, lines 10 – 33; Col 21, lines 20 – 31; and Col 21, lines 51 – 61)

Claim 23. Kramer discloses the system as set forth in claim 22 wherein said human model repository includes a data object selected from the group

consisting of still graphic images, video clips, and audio clips. (Col 6, lines 22 – 46)

Claim 24. Kramer discloses the system as set forth in claim 21 wherein said data object repositories comprise an advertising message repository. (Col 7, lines 16 – 44; and Col 11, lines 55 – 67)

Claim 25. Kramer discloses the system as set forth in claim 24 wherein said advertising message repository includes a data object selected from the group consisting of still graphic images, video clips, web pages, and audio clips. (Col 6, lines 22 – 46)

Claim 26. Kramer discloses the system as set forth in claim 21 wherein said data objects selector is adapted to select data objects from said data object repositories based upon instant user demographic factors. (Col 14, lines 11 – 34)

Claim 27. Kramer discloses the system as set forth in claim 21 wherein said data objects selector is adapted to select data objects based upon historical advertising effectiveness trend data. (Col 14, lines 11 – 34)

Claim 28. Kramer discloses the system as set forth in claim 21 wherein said composite advertisement object renderer is adapted to produce a composite

advertisement object selected from the group consisting of two overlaid still graphic images, a merged video clip and audio clip, and a merged plurality of video clips. (Col 6, lines 22 – 46)

Claim 29. Kramer discloses the system as set forth in claim 21 further comprising a historical data updater for updating said historical advertising effectiveness trend data according to subsequent instant user selection of options related to said composite advertisement object. (Col 14, lines 35 – 51)

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Scroggie et al. (U.S. Patent Number: 5,970,469) and Scroggie et al. (U.S. Patent Number: 6,014,634) disclose the use of targeted modular advertisements.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Van Bramer whose telephone number is (571) 272-8198. The examiner can normally be reached on 9am - 5pm Monday through Friday.

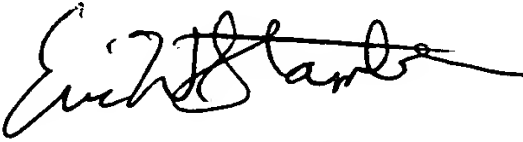
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax

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phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*jvb*  
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SUPERVISORY PATENT EXAMINER  
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